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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-114

12 KRISTINE STAR OAJDEA
2191 Wild Canyon Drive
13 Colton, CA 92324
14 Registered Nurse License No. 587345

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

Respondent.
15

16 FINDINGS OF FACT

17 1. On or about October 4, 2007, Complainant Ruth Ann Terry, M.P.H., R.N.,
18 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
19 of Consumer Affairs, filed Accusation No. 2008-114 against Kristine Star Oajdea (Respondent)
20 before the Board of Registered Nursing.

21 2. On or about September 17, 2001, the Board of Registered Nursing (Board)
22 issued Registered Nurse License No. 587345 to Respondent. The Registered Nurse License was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 September 30, 2009, unless renewed.

25 3. On or about November 16, 2007, Maria L. Camacho, an employee of the
26 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
27 2008-114, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
28 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,

1 which was and is 2191 Wild Canyon Drive, Colton, CA 92324. A copy of the Accusation, the
2 related documents, and Declaration of Service are attached as exhibit A, and are incorporated
3 herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c).

6 5. On or about November 26, 2007, the signed Domestic Return Receipt was
7 returned by the U.S. Postal Service marked. A copy of the signed Domestic Return Receipt
8 returned by the post office is attached as exhibit B, and is incorporated herein by reference.

9 6. Government Code section 11506 states, in pertinent part:

10 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
12 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
13 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

14 7. Respondent failed to file a Notice of Defense within 15 days after service
15 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
16 Accusation No. 2008-114.

17 8. California Government Code section 11520 states, in pertinent part:

18 "(a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions or
20 upon other evidence and affidavits may be used as evidence without any notice to
21 respondent."

22 9. Pursuant to its authority under Government Code section 11520, the Board
23 finds Respondent is in default. The Board will take action without further hearing and, based on
24 Respondent's express admissions by way of default and the evidence before it, contained in
25 exhibits A, B and C, finds that the allegations in Accusation No. 2008-114 are true.

26 10. The total costs for investigation and enforcement are \$2,756.50 as of
27 December 11, 2007.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Kristine Star Oajdea
3 has subjected her Registered Nurse License No. 587345 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of
5 Service are attached.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Board of Registered Nursing is authorized to revoke Respondent's
8 Registered Nurse License based upon the following violations alleged in the Accusation.

9 5. Respondent's license is subject to disciplinary action pursuant to Business
10 and Professions Code (Code) sections 490 and 2761, subdivision (f), as defined in California
11 Code of Regulation, title 16, section 1444, (Unprofessional Conduct - Conviction of
12 Substantially Related Crime), in that on or about January 23, 2007, in a criminal proceeding
13 entitled The People of the State of California v. Kristine Star Oajdea, Respondent was convicted
14 by a plea of guilty for violating Vehicle Code section 20002(a) (hit and run), a misdemeanor, in
15 the Superior Court of the State of California, San Bernardino County Superior Court, San
16 Bernardino District, Case No. TSB122120.

17 6. Respondent's license is subject to disciplinary action pursuant to Code
18 section 2761, subdivision (a), in conjunction with Code section 2762, subdivision (b), for
19 unprofessional conduct as set forth in paragraph 5 above, in that on August 28, 2006, Respondent
20 used alcohol to an extent or in a manner dangerous or injurious to herself, any other person, or
21 the public.

22 7. Respondent's license is subject to disciplinary action pursuant to Code
23 section 2761, subdivision (a), in conjunction with Code section 2762, subdivision (d), for
24 unprofessional conduct as set forth in paragraph 5 above, in that on or about August 28, 2006,
25 prior to her release from arrest, Respondent was detained at the Redlands Police Department for
26 approximately eight hours for alcohol detox.

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1 ORDER

2 IT IS SO ORDERED that Registered Nurse License No. 587345, heretofore
3 issued to Respondent Kristine Star Oajdea, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may
5 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
6 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
7 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
8 statute.

9 This Decision shall become effective on March 27, 2008.

10 It is so ORDERED February 27, 2008.

11 *LaTranene W Tate*

12 FOR THE BOARD OF REGISTERED NURSING

13 DEPARTMENT OF CONSUMER AFFAIRS
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21 60263902.wpd

22 DOJ docket number:LA2007600599

23 **Attachments:**

24 Exhibit A: Accusation No.2008-114, Related Documents, and Declaration of Service
25 Exhibit B: Copy of Signed Domestic Return Receipt Returned by Post Office
26 Exhibit C: Certification of Costs: Declaration of Nicholas A. Sanchez
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Exhibit A
Accusation No. 2008-114,
Related Documents and Declaration of Service

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008 - 114

12 KRISTINE STAR OAJDEA
236 Bond Street
13 Redlands, CA 92373

A C C U S A T I O N

14 Registered Nurse License No. 587345

15 Respondent.

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17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely
20 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs (Board).

22 2. On or about September 17, 2001, the Board issued Registered Nurse
23 License No. 587345 to Kristine Star Oajdea (Respondent). The Registered Nurse License was in
24 full force and effect at all times relevant to the charges brought herein and will expire on
25 September 30, 2007, unless renewed.

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3. This Accusation is brought before the Board, under the authority of the

4. Section 118, subdivision (b), provides that the suspension / expiration /

5. Section 490 states:

“A board may suspend or revoke a license on the ground that the licensee has

6. Section 2750 provides, in pertinent part, that the Board may discipline any

7. Section 2764 provides, in pertinent part, that the expiration of a license

/ / /

1 8. Section 2761 states, in pertinent part:

2 “The board may take disciplinary action against a certified or licensed nurse or
3 deny an application for a certificate or license for any of the following:

4 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

5

6 “(f) Conviction of a felony or of any offense substantially related to the
7 qualifications, functions, and duties of a registered nurse, in which event the record of the
8 conviction shall be conclusive evidence thereof. . . .”

9 9. Section 2762 states, in pertinent part:

10 “In addition to other acts constituting unprofessional conduct within the meaning
11 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
12 under this chapter to do any of the following:

13

14 “(b) Use any controlled substance as defined in Division 10 (commencing with
15 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
16 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
17 injurious to himself or herself, any other person, or the public or to the extent that such use
18 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
19 license.

20

21 “(d) Be committed or confined by a court of competent jurisdiction for
22 intemperate use of or addiction to the use of any of the substances described in subdivisions (a)
23 and (b) of this section, in which event the court order of commitment or confinement is prima
24 facie evidence of such commitment or confinement. . . .”

25 10. California Code of Regulations, title 16, section 1444 states, in pertinent
26 part:

27 “A conviction or act shall be considered to be substantially related to the
28 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the

1 present or potential unfitness of a registered nurse to practice in a manner consistent with the
2 public health, safety, or welfare. . . .”

3 11. Section 125.3 provides, in pertinent part, that the Board may request the
4 administrative law judge to direct a licensee found to have committed a violation or violations
5 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
6 enforcement of the case.

7 FIRST CAUSE FOR DISCIPLINE

8 (Conviction of Substantially Related Crime)

9 12. Respondent is subject to disciplinary action under sections 2761,
10 subdivision (f), and 490 of the Code, on the grounds of unprofessional conduct, as defined in
11 California Code of Regulation, title 16, section 1444, in that Respondent was convicted of a
12 crime which is substantially related to the qualifications, functions and duties of a licensed
13 registered nurse, as follows:

14 a. On or about January 23, 2007, in a criminal proceeding entitled *The*
15 *People of the State of California v. Kristine Star Oajdea*, Respondent was convicted by a plea of
16 guilty for violating Vehicle Code section 20002(a) (hit and run), a misdemeanor, in the Superior
17 Court of the State of California, San Bernardino County Superior Court, San Bernardino District,
18 Case No. TSB122120.

19 b. The circumstances surrounding the conviction are that on or about August
20 28, 2006, Respondent was the driver of a vehicle involved in an accident with a parked car. The
21 Respondent stopped her vehicle near the parked car and backed into the parked car at an
22 accelerated speed, and left the scene of the accident. Redlands Police Department officers
23 contacted Respondent in the driveway of her residence, Respondent failed field sobriety tests and
24 was arrested. Respondent's blood alcohol level tested 0.19%.

25 SECOND CAUSE FOR DISCIPLINE

26 (Unprofessional Conduct - Use of Alcohol)

27 13. Respondent's Registered Nursing license is subject to disciplinary action
28 under Business and Professions Code Section 2761, subdivision (a), in conjunction with Section

1 2762, subdivision (b), for unprofessional conduct as set forth in paragraph 12 above, in that on
2 August 28, 2006, Respondent used alcohol to an extent or in a manner dangerous or injurious to
3 herself, any other person, or the public.

4 THIRD CAUSE FOR DISCIPLINE

5 (Confined for Intemperate Use of Alcohol)

6 14. Respondent is subject to disciplinary action under Section 2761,
7 subdivision (a), in conjunction with Section 2762, subdivision (d), for unprofessional conduct as
8 set forth in paragraph 12 above, in that on or about August 28, 2006, prior to her release from
9 arrest, Respondent was detained at the Redlands Police Department for approximately eight
10 hours for alcohol detox.

11 DISCIPLINE CONSIDERATIONS

12 15. To determine the degree of discipline, Complainant alleges that
13 Respondent has had disciplinary proceedings against her Vocational Nurse License No. 194298,
14 and prior convictions, as follows:

15 a. On February 22, 2001, the Board of Vocational Nursing and Psychiatric
16 Technicians in reliance on Respondent's certification of correct and accurate facts in her
17 application issued Vocational Nurse License No. 194298 to Respondent.

18 b. On or about April 18, 2001, the Board of Vocational Nursing and
19 Psychiatric Technicians issued a Citation Order, Citation No. 01-0045-L. The citation is final
20 and made a part hereof in full by reference.

21 c. The cause for the citation was that on or about April 23, 1998, Respondent
22 violated Business and Professions Code section 2878, subdivision (e), because she made a false
23 statement in her application for licensure when she failed to disclose her prior convictions by
24 answering "No" to the question, "have you ever been convicted of any offense, including traffic
25 violations?" when, in fact, in 1990, she had been convicted for violating Penal Code section
26 602(j) (trespassing), a misdemeanor, and in 1994, she had been convicted for violating Penal
27 Code section 148.9(a) (false ID to peace officer), a misdemeanor.

28 / / /

1 PRAYER

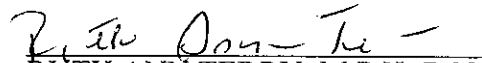
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License No. 587345, issued to
5 Kristine Star Oajdea.

6 2. Ordering Kristine Star Oajdea to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10
11 DATED: 10/4/07

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14 
15 RUTH ANN TERRY, M.P.H, R.N
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California

20 Complainant

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